

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**SPECIAL SESSION  
October 31, 2007**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Special Session at 1:35 p.m., October 29, 2007, in the Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andrew Kunasek, Vice Chairman, District 3 (entered late); Don Stapley, District 2, Max W. Wilson, District 4 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager and Chris Keller, Chief Counsel, Civil Division. Votes of the Members will be recorded as follows: aye-no-absent-abstain.

**EXECUTIVE SESSION CALLED**

Pursuant to A.R.S. §38-431.03, et.al., motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to recess and reconvene in Executive Session for the purpose of obtaining legal advice from the Board's attorney in reviewing matters listed below, pursuant to the listed statutory references. All members remained in session when the meeting reconvened. Dean Wolcott, Outside Counsel, replaced Chris Keller for item E-1 (only).

~ Supervisor Kunasek entered the meeting ~

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION - ARS §38-431.03(A)(3) AND (A)(4)**

**E-1. Flach v. the Maricopa County Board of Supervisors; CV2006-052611, Counterclaim and Third Party Claim, in consolidated case CV2006-014285 (Schweikert v. Flach)**

Tom Irvine, Outside Counsel  
Rebekah Francis, Outside Counsel  
Sandi Wilson, Deputy County Manager  
Tom Manos, Chief Financial Officer  
Shelby Scharbach, Deputy Chief Financial Officer, **did not attend**  
Lisa Keegan, Interim Communications Director  
Brian Hushek, Deputy Budget Director  
LeeAnn Bohn, Deputy Budget Director  
Shawn Nau, Director, General Government  
Steve Wetzel, OET Director  
Chiefs of Staff Latto, Candland, Bloom, Isham, Leija

**MEETING RECESSED**

Chairman Brock recessed the meeting at 1:50 p.m. to reconvene an earlier special meeting and special executive session for a report from outside counsel Eileen Gilbride.

**MEETING RECONVENED**

Chairman Brock reconvened this meeting at 1:55 p.m. to continue executive session agenda item E-1, above.

**Dean Wolcott left the meeting and Chris Keller returned to the meeting as counsel to the Board at 2:25 p.m. for the following:**

**SPECIAL SESSION  
October 31, 2007**

**LEGAL ADVICE; ARS §38-431.03(A)(3)**

**E-2. Legal advice on procedures for the Board of Supervisors to use related to the appointment of a qualified candidate to the Office of Maricopa County Treasurer to fill the current vacancy.**

Christopher Keller, Chief Counsel  
Victoria Mangiapane, Deputy County Attorney

**RECONVENE IN OPEN SESSION**

Chairman Brock reconvened open session to consider the following items at 3:15 p.m.

**1. POSSIBLE ACTION ON PROCEDURES RELATED TO APPOINTING COUNTY TREASURER**

Item: Possible action to approve the administrative procedures to appoint a Maricopa County Treasurer as discussed in Executive Session on October 31, 2007. (ADM4000-001)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following procedures for this special appointment for County Treasurer:

1. Friday, November 2, 2007: All applications for County Treasurer must be received by the Clerk of the Board of Supervisors by 5:00 p.m.
2. A copy of all application materials will be packaged and given to each Supervisor as soon as possible after that 5:00 p.m. deadline. This may entail delivery by special messenger to their homes on Friday night or Saturday, as soon as these packages are completed.
3. Tuesday, November 6, by 3:00 p.m.: By this time, each Supervisor will submit their choices of up to three names to the Clerk so that background checks may be made on each candidate.
4. Letters will be sent to those selected to inform them of their status and to notify them of individual interviews to be conducted on November 13, with their individual time slot. Rules of confidentiality for executive session will be included in this letter.
5. Tuesday, November 13: Special open and executive session to hold scheduled interviews (20-30 minutes each). The Board will deliberate at the completion of these interviews, and may, or may not, decide to consider holding nominations immediately.
6. The Board may reconvene in open session to nominate and appoint the new County Treasurer.

**2. TAX DEEDED LAND SALE**

Pursuant to A.R.S. §42-18303, consider the offers on parcels previously offered for bid at auction conducted on December 7, 2006, that were not sold. If approved, the proceeds of the sale will total \$14,140 with the proceeds of the sale reverting to the County General Fund. This matter was discussed in Executive Session on October 29, 2007. (A list of parcels is on file in the Clerk of the Board's Office.) (C0608037700) (ADM656-006)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**SPECIAL SESSION  
October 31, 2007**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to reject this offer.

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned at 3:20 p.m.

ATTEST:

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Fulton Brock, Chairman of the Board

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Fran McCarroll, Clerk of the Board